

PLANNING COMMISSION MEETING MINUTES
February 3, 2004

CALL TO ORDER

VC Nelson called the meeting of the Medina Planning Commission to order at 7:04 p.m.

ROLL CALL

Commissioners present were Brog, Greenspoon, Lawrence, Lostrom, Nelson and Price. PC Jordan was absent. Staff members present were City Attorney Wines, Planning Director Gellings, Engineering Consultant Bill Holladay and Recording Secretary Carol Wedlund.

APPOINTMENT OF CHAIR AND VICE-CHAIR

PC Lawrence moved, seconded by PC Brog, to appoint Mark Lostrom as Chair for 2004, and the vote was unanimous. Chair Lostrom nominated PC Price as Vice-Chair. PC Price declined, and nominated Mark Nelson as Vice-Chair, seconded by PC Lawrence, which unanimously carried.

ANNOUNCEMENTS

Gellings announced Bellevue School District had confirmed Medina Elementary would be demolished and replaced in the 2005-2006 academic year, with students temporarily housed in another school within the district. The Council had requested the PC to hold a public hearing at their March meeting and to form a recommendation on revisions to school regulations in Medina. He noted the school had already begun the public process with a community open house on January 28, 2004, and a PTA meeting was planned as well. The Council had also returned the PC's side yard setback recommendation with a directive to reanalyze their original proposal and to broaden the scope for small lots. Gellings also noted the PC training session should be rescheduled with the Washington State Office of Community Development. He was directed to determine the best training date via phone calls and e-mails.

MEETING MINUTES

PC Brog moved, seconded by PC Price, to approve the minutes of December 2, 2003, and the vote was unanimous.

AUDIENCE PARTICIPATION

Audience members were invited to address any non-agenda items.

Anna Riley, 8729 NE 7th Street, voiced concern regarding the way the city calculated roof heights in Medina, as such action resulted in unintended consequences. She indicated the calculation of roof heights was beginning to degrade certain blocks and streets, and suggested allowing homeowners a 4/12 roof pitch, as the extra 2-1/2 feet of height would be better for the neighborhood. Chair Lostrom indicated the PC was well aware of the situation and this issue would probably come up again by the end of 2004. A straw poll was taken, and the PC unanimously felt roof height was an issue they wished to reconsider. Gellings cautioned the PC had only six months prior forwarded a request to the Council to analyze roof heights, which had met with Council denial. He was of the opinion the time would come for discussion of this issue. PC Price requested a copy of PC Nelson's work on roof heights.

Gellings stated PC Lawrence had sent an e-mail requesting guidelines for PC review of mitigation plans. He promised to work on changes for consistency of mitigation plan format to make PC review easier. Gellings continued the whole idea of Ordinance No. 748, which overhauled the construction mitigation program, had been to develop appropriate mitigation measures for each site.

Public Hearing -- Construction Mitigation Plan Level 2 Application No. C102303-0366 -- Baghai -- 8436 NE 7th Street -- Chair Lostrom opened the public hearing.

As architect for the Baghai project, **Clynn Wilkinson, 1018 Market Street, Kirkland**, stated the homeowners wanted to demolish the existing structure and build a 5,500 Mediterranean-type home with a flat roof and basement. He relayed 750 cubic yards of soil would be removed during the 16-month construction period. Further, he planned to save all current trees on the parcel. He had already talked with neighbors on each side of the property, in an effort to facilitate the process. Mr. Wilkinson noted none of the adjacent property owners shared any access. His plan was for a screened fence around the construction material and once the home was substantially framed, everything else would be stored in the garage. He had notified all subcontractors they must carpool. The framing subcontractor picked up his employees. The site had a capacity for parking six ¾ ton trucks with extended cabs. Further, a company representative would be on site most of the time, 6-8 hours a day. An on-premises sign would display the contact person's telephone number, post work hours and detail parking requirements. Further, contractors and subs must sign a contract. Mr. Wilkinson assured the PC no vehicles or machines would be left running without a purpose. However, concrete-pumping trucks must idle. Mr. Wilkinson assured the PC all dump

trucks as well as concrete-pumping trucks would use 86th Avenue NE, and all subs had been given a route map to that effect. He promised a ten-foot wall on one side of the home, and noted the subs had also been given information regarding park and ride lots with instructions to carpool.

Holladay noted the only available right-of-way parking in Medina was on NE 12th Street. There had been instances where contractors had parked at the park and ride lot at the north end of Evergreen Point Road. He reminded the PC the applicant must sign Medina's Construction Code of Conduct. He also introduced Tim Tobin, from Roth Hill, who would be assisting Medina with engineering concerns. Holladay emphasized the PC needed to decide what supplementary measures should be added to ensure parking requirements would be met. He suggested the on-site sign state, "No parking off construction property". Mr. Wilkinson promised a certified flagger would be utilized for water and sewer installation, and other times as needed. He also relayed weekly meetings would be held with neighbors and subs. Any sub who did not follow the rules would be fined and terminated.

Susan Potts, 8443 NE 6th Street, inquired about public parking along NE 10th Street. Holladay indicated no public parking was permitted on NE 10th Street, and construction vehicles were only allowed on the construction site, per Medina Code. However, they could park on NE 12th Street adjacent to the golf course. PC Brog suggested Mr. Wilkinson check with local churches for parking alternatives. PC Lawrence recommended the number of parking spots be part of the mitigation plan. Mr. Wilkinson voiced confidence with compliance, based on signage, verbal instructions, signing the contract and a monetary penalty or possible termination for those who did not comply. He suggested the on-site vehicles could be pared down to four if there was a concern. He added the sub schedules would be coordinated to ensure there was no parking congestion. Chair Lostrom cautioned each worker needed to know where available parking was located in Medina. Holladay voiced concern about the amount of workers, the number of parking stalls on site and the quantity of vehicles allowed on the premises. VC Nelson suggested an alternate parking location be designated as part of the mitigation plan, with proof submitted to the city.

Paul Pinard, 8446 NE 7th Street, stated the on-site condenser would be located next to his sleeping area. Mr. Wilkinson stated the owners were still deciding whether or not to install air conditioning. Gellings noted an air conditioning unit could be placed there as long as it was ten feet from the property line. Holladay added there were maximum decibel levels for a condenser. Mr. Wilkinson emphasized he would work with the neighbors on this.

As the neighbor on the other side, **Russ Hoesfall, 8430 NE 7th Street**, was concerned about the architect having control over his contractors, as he had heard stories of 6:00 a.m. deliveries. Mr. Wilkinson stated the on-premises sign would show the work hours as part of the mitigation plan. With the exception of demolition debris, a dump trailer would haul away refuse. His plan was to recycle the demolition wood. However, he had no control over waste management. Chair Lostrom stated the city should be notified if there were any violations. Mr. Hoesfall asked about the barrier fence. Holladay replied most fences were plywood to deaden the construction sounds and to allow privacy. The fence would be constructed prior to demolition and taken down upon project completion. However, if Mr. Hoesfall did not want a barrier fence, the city should have a letter to that effect on file. Mr. Wilkinson promised Mr. Hoesfall he was willing to do whatever was needed.

Holladay delivered the engineering staff report, noting 48 percent of the gross lot area would become impervious surface. He also thought the on-site parking would be difficult to accomplish. However, the applicant was taking what measures he could to meet this requirement. Holladay noted muffled equipment would be required on site. The two staff issues were construction time and implementation of on-site parking. He noted a six-month extension could be granted beyond the 18-month city-imposed construction period, for a total of 24 months. Holladay also relayed the requirement for monthly meetings with adjacent neighbors. If construction could not be completed within the allotted time, the neighbors should be informed. He recommended approval with the additional requirements of construction mitigation for on-site parking, on-site display of work hours and addressing the issue of a portable toilet with screening or a fence.

Commissioners asked clarification questions of both Holladay and the applicant. They also discussed the adequacy of the proposed mitigation measures. Chair Lostrom requested the applicant to use the truck traffic route of NE 24th, to 84th Avenue NE and then to the job site, rather than the one proposed by Mr. Wilkinson. VC Nelson moved to approve Construction Mitigation Plan Level 2 Application No. C102303-0366 – Baghai – 8436 NE 7th Street as set forth by staff, modified by PC Lawrence to include evidence of investigation for private reserved parking overflow as a backup for carpool parking. PC Greenspoon seconded the motion as amended, which carried unanimously.

Public Hearing -- Construction Mitigation Plan Level 2 Application No. C120403-0410 – Cirillo – 1257 Evergreen Point Road -- On behalf of the applicant, **Jeff Adberg, 2925 Fuhrman Avenue East, Sullivan Conard Architects, Seattle**, announced he had contracted with St. Thomas Church for parking. He noted the proposed

development included demolishing the existing residence and constructing a 9,000 square foot replacement home. The houses to the north were not close and the vegetation and distance provided adequate noise and visual buffers. A temporary 10-foot sound wall between the 1255 Evergreen Point Road residence and the south end of the Cirillo home was proposed to mitigate visual and noise impacts with the closest neighboring residence. He indicated temporary construction fencing was planned to reduce visual impacts to the other neighboring houses to the east and southeast.

Builder **Burt Lockhart, 16010 – 70th Avenue North, Fulks Inc., Edmonds**, stated he had a fairly detailed mitigation plan for the Cirillo residence, including a shuttle from the reserved parking area to the site. Further, the site had almost a built in turn-around, with the luxury of two potential accesses. There was also ample room for construction equipment. He indicated truck coordination would be accomplished with radio control from the site to the drivers. The building footprint would also follow the existing grade.

Patricia Wangsness, 1312 Evergreen Point Road, emphasized she had suffered through construction at 1247 Evergreen Point Road, which would not be completed for another six to eight months. She noted the workers arrived at 6:05 a.m. and parked on Evergreen Point Road. Further, she had to speak to them about offensive language. Ms. Wangsness had questions regarding the start date of construction for this project and its duration. Holladay referred to Medina's Construction Code of Conduct that prescribed the work hours. He promised to speak with Interim Police Chief Chen at the next staff meeting to discuss parking, noting the PD had profusely written tickets in the past for the same violation. However, the Building Official was the only person who could issue a stop work order. Chair Lostrom relayed the PC had wanted some consequences in the ordinance for violation of the mitigation plan, but it did not survive the process.

Mr. Lockhart voiced his appreciation of Ms. Wangsness' concerns. He assured her a full time superintendent would be on the job every day, who would introduce himself to her and all the neighbors and provide them with multiple phone numbers. He promised to be a responsive builder who would work with people if a problem arose. Mr. Lockhart concluded the start date would depend upon when the building permit was granted.

Holladay gave a staff report, noting this second submittal of the mitigation plan satisfactorily addressed the issues that had been raised during the first review, and now complied with the Municipal Code. The first version, submitted on December 4, 2003, had been reviewed by staff and consultants, and returned for additional information. He relayed 18 percent of the site would be covered by impervious surface. Access to this parcel was via a narrow private paved lane off of Evergreen Point Road, which was shared by seven homes. Access to the private beach area was via a steep narrow paved lane (Winter Beach Road) along the north and west sides of the Cirillo property. Further, the lot included steep slopes, and a steep slope variance had been granted on August 21, 2003. Site-specific mitigation issues included closing the Winter Beach Road access drive for storm drain installation. He recommended approval, with Ms. Wangsness being added to the mitigation contact list.

Holladay referred to the two letters from nearby residents that had been distributed to PC members during tonight's meeting. The January 2, 2004 letter from resident **George Reynolds** expressed concern that the temporary sound wall should be as attractive as possible on his side of it, and would be removed upon construction conclusion. He was also worried about traffic, and wanted the prohibition on truck queuing to include the private lane on which the Cirillo property and his residence were located. Mr. Reynolds also wanted a bond posted to ensure restoration of any damage created on the private lane. Holladay noted that was a civil issue. Mr. Reynolds had also asked that the applicant define "time critical activity" for Saturday construction hours, so that such actual occurrences were infrequent. Holladay noted Mr. Reynolds would receive update letters and would be invited to information meetings.

Holladay turned to coordination between the Swanson construction wrap-up and the beginning of the Cirillo job, noting the Swansons were proposing to widen the entrance to the private lane at Evergreen Point Road, making it safer. Mr. Lockhart agreed to discuss all issues raised in Mr. Reynolds' letter with him. Holladay also referred to a letter from resident **James McGraw**, who owned four parcels next to the Cirillo property. To allay Mr. McGraw's concerns, Holladay suggested a reminder sign be erected where the lane met Evergreen Point Road indicating "No construction access" to NE 14th Place. He also promised to have an article regarding construction hours inserted in the Medina Newsletter. PC Lawrence requested that police officers drive by to see if construction workers were on the job site at 6:00 a.m. Holladay promised to discuss this with MPD. Mr. Lockhart indicated his crew generally arrived at 6:45 a.m., but did not begin work before 7:00 a.m. Chair Lostrom promised to clarify this as part of the newsletter article. As a neighbor of the proposed Cirillo construction site, VC Nelson asked the owner, the architect and the builder to be cognizant that neighbors on the private lane and adjacent residents had been living with constant construction. Mr. Lockhart promised to document the exact condition of the private lane before start of construction. Any damage done by his workers would be repaired. He would also address any damage done by

Other contractors. Chair Lostrom summarized the conditions for approval as inclusion of Ms. Wangsness in the mitigation contact list, erection of a sign where the lane met Evergreen Point Road indicating "No construction access" to NE 14th Place, and prior to start of construction, to contact neighbor Mr. Reynolds and discuss the appearance of the temporary sound wall. VC Nelson moved to approve Construction Mitigation Plan Level 2 Application No. C120403-0410 – Cirillo – 1257 Evergreen Point Road, subject to the conditions summarized by Chair Lostrom, seconded by PC Lawrence, and the vote was unanimous.

A recess was taken at 9:27 p.m. and the public hearing resumed at 9:34 p.m.

Public Hearing -- Rezone Application No. 2003-01 – Weymouth – 8711 Ridge Road – Chair Lostrom inquired whether any PC members had any conflicts of interest. The only PC member who voiced a potential conflict was VC Nelson, who had done some consulting work for **Mr. Josefsberg**. Chair Lostrom asked if anyone in the audience felt VC Nelson could not be impartial, and no one spoke.

Ron Reed, Reed Architects, 16218 Vashon Highway SW, Vashon Island, stated he represented applicant Chris Weymouth at 8711 Ridge Road, which was located on the southeast corner of the Medina Heights Neighborhood Character Preservation District (NCPD). He was requesting a rezone of this property from NCPD to R-16. **Mr. Reed** noted the site was unique within this zone. His goal was to show the property had been arbitrarily chosen to be within the NCPD zone; therefore, a rezone was the only recourse. He pointed out that all of the adjacent lots were at the same or lower elevation as the applicant's lot, and their views would not be impacted by the height of a home on the Weymouth property. This parcel had a view to the west, but focused to the south. Further, it had the least slope of all properties within the NCPD. He had designed a home that would not remove the trees on the lot.

Arne Josefsberg, 8620 NE 7th Street, stated he had lived in Medina Heights for eight years, and for the past two years had been looking for new property in Medina Heights. He had purchased a two-lot parcel on the corner of Ridge Road and Upland Road, and a 20-25 foot high house would impact his view. Mr. Josefsberg emphasized Mr. Weymouth had purchased the lot in question knowing it had a height restriction. Gellings noted there was no more than a six-foot change between the two lots.

Dick Hansen, 443 – 86th Avenue NE, distributed a letter dated February 3, 2004, with an attached History of Zoning Changes in Medina Heights. He urged PC members to read the final paragraph in his letter, and the last paragraph of the History, so they would understand the enormity of effort that had gone into establishing some control over homes that overpowered the lots on which they sat or destroyed views in the neighborhood. Mr. Hansen requested the PC to reject the Weymouth rezone application.

Beverly Jacobson-Adams, 8457 Midland Road, emphasized the applicant knew the height restrictions when he purchased the property. She urged the PC to preserve the NCPD and allow Mr. Weymouth to build to 20 feet and enjoy the view.

Martha Woodman, 401 Upland Road, felt the same way as others who had spoken regarding this application. She did not think granting a rezone was the correct decision to make.

Susan Potts, 8443 NE 6th Street, agreed with Mr. Hansen, and emphasized granting a rezone would create precedence. She suggested if the rules were to be changed, such action should be done altogether, rather than piecemeal.

Property owner **Chris Weymouth** stressed granting this rezone would not impact anyone. As a developer, he had paid a lot of money to purchase this corner lot. He could have removed the five trees but did not wish to do so. He stated the main reason for wanting to build to 25 feet high was the trees.

Ron Reed distributed a schematic drawing that showed what Methune Associates were trying to preserve with the view. He pointed out how large the fir trees were, noting there was no view along the eastern point due to blockage by evergreen trees. Mr. Reed noted because there was so little height difference between the home on the other side of Ridge Road and the applicant's house, even at a 20 feet height, that home did not have a view. The Weymouth property had been purchased to keep the view to the city of Seattle.

Arne Josefsberg invited anyone to visit his double lot parcel to see the view, noting he had purchased that property for a whole view, rather than a partial one.

Gellings gave background information and stated he had received a total of eight letters in the last few days, including the ones from **Peter and Martha Woodman** and from **Dick Hansen**. Several people in the Council chambers had been involved in shaping the Medina Heights NCPD ordinance passed in 1997. He emphasized it was very clear the objective had been to protect views on the southwest-facing portion of the slope. Those involved in the effort had done a pretty good job of delineating the slope, with the exception of the subject parcel. Gellings went through each of the criteria for standards of review and recommended approval. He clarified the reason for denying the variance request for this parcel in 2003 was because variance criteria were different, and he did not think they had been met. However, this was a rezone application. Further, a number of the neighbors had conceded a 25-foot house would not block views. Gellings did not think it would set a precedent to grant this rezone, noting the decision criteria spoke to review of the individual circumstances in a rezone application. He stated this was the only public hearing allowed for the Weymouth rezone application.

PC Brog indicated he had gone into the vacant house on Mr. Josefsberg's property, and did not feel a five-foot roof height difference would impact that view. He also inquired when the original preservation zone had been created, whether the person who owned the parcel at the time had agreed to be included, and Gellings responded the original owner felt the property should be part of the NCPD.

Ron Reed emphasized the issue was whether the property faced the northern or the western view. Chair Lostrom stated the history of this ordinance was there were views from parcels in Medina Heights. Further, the original restriction was view in a generic sense rather than a western view. Following discussion regarding the merits of the rezone request, PC Lawrence moved, seconded by VC Nelson, to recommend denial of Rezone Application No. 2003-01 – Weymouth – 8711 Ridge Road, which carried unanimously. The reasons for recommending denial were the PC did not think there was justification for a rezone, and inclusion in the NCPD in the first place had been a correct decision.

Meeting Time Limit – Chair Lostrom stated in the future, PC meetings would conclude at 10:00 p.m. Discussion items could be the last on the agenda and could be bumped to the next meeting if the PC ran out of time. PCs Price, Greenspoon and Lawrence were in agreement with a 10:00 p.m. cut off for PC meetings.

PC Lawrence moved, seconded by VC Price, to adjourn at 10:52 p.m., and the motion carried unanimously.

Caroll P. Wedlund
Recording Secretary